REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-16 and 25-38 remain in the application. Claims 1, 9, 25 and 32 are independent.

Interview Summary

The Applicant appreciates that the Examiner Jason Lin and Supervisor Christopher Grant allocated time to speak to the Applicant's representative on May 15, 2007. The interview of May 15, 2007 was conducted over the telephone.

During the telephone interview on the aforementioned date, the rejections of the independent claims 1, 9, 25 and 32 were discussed. The subject matter discussed in particular detail focused on the Applicant's position that U.S. Patent No. 6,738,982 to Jerding does not disclose or suggest a virtual tuner that is executable to manage the plurality of applications in response to the one or more events, said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of the plurality of applications. It is the Applicant's position that Jerding uses a selectable link label that has a corresponding underlying link definition (*column 5, lines 1-5*) to call an application to display contact associated with the link. In particular, when a selectable link label is selected by a user of the system 27, an API call is made to the system application manager 29 to enable execution of a desired application 25 (*column 5, lines 10-13*). The underlying link definition, which is tied to the link, identifies the application. The Applicant explained during the interview that the mechanism used by Jerding to identify an application for displaying content is not similar or the same as an application identification table located on a client.

After discussing the claims of the Application and Jerding at length, the Examiner agreed that he would carefully reconsider the art grounds rejections of Record upon receiving this Response and reviewing the claims as amended. If the reconsideration indicates that the art grounds rejections of Record are unsustainable, the Applicant understands that the Examiner would need to conduct an updated search before determining the Allowability of the instant Application.

Restriction Requirement

The Examiner has made a Restriction Requirement in the instant Application. In particular, claims 1-16, 25-31, 32-38 and 39 are deemed as being drawn to displaying and EPG and managing execution of applications to provide content via a virtual tuner, classified in class 725, subclass 39 (Group I). Claims 17-24 are deemed as being drawn to displaying an EPG, where the representations of content includes a uniform descriptor and managing execution of applications via a virtual tuner, classified in class 725, subclass 140 (Group II).

The Applicant's representative made a provisional election of Group I, without traversed, on March 1, 2007. Applicant's representative hereby confirms the election of Group I for prosecution in the instant Application. Non-elected claims 17-24 have been canceled hereby. Applicant retains the right to file a Divisional Application including the non-elected claims.

Rejections Summary

Claims 9, 11-14, 16 and 25-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,738,982 to Jerding. This rejection is respectfully traversed.

Claim **10** stands rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of U.S. Patent No. 6,305,020 to Hoarty et al. (hereinafter "Hoarty"). This rejection is respectfully traversed.

Claim **30** stands rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of U.S. Patent No. 6,526,577 to Knudson et al. (hereinafter "Knudson"). This rejection is respectfully traversed.

Claims **15, 31, 32 and 34-38** stand rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of U.S. Patent Publication No. 20070033615 to Hassell et al. (hereinafter "Hassell"). This rejection is respectfully traversed.

Claim **33** stands rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of Hassell and further in view of Hoarty. This rejection is respectfully traversed.

Claims **1, 2, 4-6, 8 and 39** stand rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of U.S. Patent Publication No. 20050021609 to Houghton et al. (hereinafter "Houghton"). This rejection is respectfully traversed.

Claim **3** stands rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of Houghton and further in view of Hoarty. This rejection is respectfully traversed.

Claims **7 and 40** stand rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of Houghton, and further in view of Hassell. This rejection is respectfully traversed.

Before discussing the rejections of Record, Applicant provides the following summary of an embodiment described in the instant Application. The following is not to be construed as limiting of the claims.

An embodiment described in the instant Application includes an electronic program guide (EPG) 128 that may be used by a user to access a number of different content types. The different content types that may be selected through the EPG 128 include, for example, television programming, games, and other non-traditional television content. To enable proper display and execution of the different types of content available through the EPG 128, a virtual tuner 138 is provided. The virtual tuner 138 is capable of locating one of a plurality of applications that may be utilized to output a particular type of content, launch an appropriate application, control placement and arrangement of windows on a display device, and to terminate an application window display once the content is completed.

In one implementation, the virtual tuner 138 employs the use of an application identification table to select an appropriate application for displaying a particular type of content.

It is important for the Office to realize that the content and/or EPG 128 content representations do _not_ include information pertaining to the particular type or location of an application for displaying a given type of content. In accordance with an embodiment described in the instant Application, identifying and selecting an application for displaying a given type of content is handled solely by the virtual tuner 138. This shifts the burden of having to identify applications for displaying the different content types to the client side. Conventionally, this

burden would be on the server-side, which normally supplies information pertaining to an EPG.

Claim Rejections Under § 102

Claims 9, 11-14, 16 and 25-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,738,982 to Jerding. This rejection is respectfully traversed.. Applicant respectfully traverses the rejection.

Claim 9 recites a method comprising:
> ...choosing one or more of the plurality of applications that, when executed, provide the selected content, the one or more of the plurality of applications listed in an application identification table for reference by the client.

The Jerding patent describes a digital home communication terminal 16 that includes an application interface system 27 that is an application layer and serves as a management software component that an application must utilize to exist in a cable-television network 10 (*column 3, lines 19-21*). Jerding further describes the use of a service application manager 29 that provides a model in which the subscriber can access services available on the system. According to Jerding, an application 25 must utilize and implement the service application manager 29 for provisioning, activation, and suspension of services (*column 3, lines 52-54*).

The Office maintains that the service application manager 29 operates in the same manner as the "choosing" act recited in claim 9. The Applicant believes that the Office is incorrect for the following reasons.

The application interface system 27 includes HTML content 35 that implements a HTML engine 31 to present a user a plurality of selectable link labels that correspond to a plurality of services. According to Jerding, the

plurality of services includes all applications, channels, and services supported by a television server device (*column 4, lines 61-65*). Each selectable link label has a corresponding underlying link definition (*column 5, lines 1-5*). When a selectable link label is selected by a user of the system 27, an API call is made to the system application manager 29 to enable execution of a desired application 25 (*column 5, lines 10-13*).

Column 5, lines 18-55, of the Jerding patent shows an exemplary link definition that is associated with a selectable link label. The link definition is <u>not</u> part of the system application manager 29 or the application interface 27. The link definition includes a service named "tuningSpace". <u>Jerding, at *column 6, lines 29-31*, discloses that if the "tuningSpace" is "application", then the ID is the name of an application that is used to display content associated with a particular selectable link</u>. Therefore, it is the use of the service named "tuningSpace" that controls which application is launched when an associated selectable link label is chosen by a user.

As was shown in the foregoing, a client entity, such as the system application manager 29 or the application interface 27, clearly does not control the selection of an application. Instead, each selectable link label and its associated link definition must include the relevant application that is used to display content after the selection of a given selectable link label. Accordingly, Jerding does not disclose or suggest the "choosing" act recited by rejected claim 9.

As the Jerding patent does not disclose the above element, it cannot be said to anticipate the above claim. Therefore, Applicant respectfully requests that the §102(e) rejection be withdrawn.

Dependent claims 11-14 and 16 depend from claim 9. The rejection of these claims should be withdrawn by virtue of their dependency on an allowable independent claim. Moreover, these claims recite features that, when taken together with those of claim 9, define methods not disclosed by Jerding. Therefore, Applicant respectfully requests that the §102(e) rejection of these claims be withdrawn.

Claim 25 recites a client comprising:

> ...a virtual tuner that is executable on the processor to launch one or more of said plurality of applications in response to selection of said content using the EPG, said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications.

The Jerding patent describes a digital home communication terminal 16 that includes an application interface system 27 that is an application layer and serves as a management software component that an application must utilize to exist in a cable-television network 10 (*column 3, lines 19-21*). Jerding further describes the use of a service application manager 29 that provides a model in which the subscriber can access services available on the system. According to Jerding, an application 25 must utilize and implement the service application manager 29 for provisioning, activation, and suspension of services (*column 3, lines 52-54*).

The Office maintains that the service application manager 29 operates in the same manner as the "virtual tuner" recited by claim 25. The Applicant believes that the rejection is improper for the following reasons.

The application interface system 27 includes HTML content 35 that implements a HTML engine 31 to present a user a plurality of selectable link labels that correspond to a plurality of services. According to Jerding, the

plurality of services includes all applications, channels, and services supported by a television server device (*column 4, lines 61-65*). Each selectable link label has a corresponding underlying link definition (*column 5, lines 1-5*). When a selectable link label is selected by a user of the system 27, an API call is made to the system application manager 29 to enable execution of a desired application 25 (*column 5, lines 10-13*).

Column 5, lines 18-55, of the Jerding patent shows an exemplary link definition that is associated with a selectable link label. The link definition is <u>not</u> part of the system application manager 29 or the application interface 27. The link definition includes a service named "tuningSpace". <u>Jerding, at *column 6, lines 29-31*, discloses that if the "tuningSpace" is "application", then the ID is the name of an application that is used to display content associated with a particular selectable link</u>. Therefore, it is the use of the service named "tuningSpace" that controls which application is launched when an associated selectable link label is chosen by a user.

As was shown in the foregoing, a client entity, such as the system application manager 29 or the application interface 27, clearly does not control the selection of an application. Instead, each selectable link label and its associated link definition must include the relevant application that is used to display content after the selection of a given selectable link label. Accordingly, Jerding does not disclose or suggest the "virtual tuner" recited by rejected claim 25.

As the Jerding patent does not disclose the above element, it cannot be said to anticipate the above claim. Therefore, Applicant respectfully requests that the §102(e) rejection be withdrawn.

Dependent claims **26-29** depend from claim 25. The rejection of these claims should be withdrawn by virtue of their dependency on an allowable independent claim. Moreover, these claims recite features that, when taken together with those of claim 25, define methods not disclosed by Jerding. Therefore, Applicant respectfully requests that the §102(e) rejection of these claims be withdrawn.

Claim Rejections Under § 103

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of U.S. Patent No. 6,305,020 to Hoarty et al. (hereinafter "Hoarty"). This rejection is respectfully traversed.

The Jerding patent is discussed in detail hereinabove. Claim 10 is at least allowable for the reasons articulated hereinabove, due to its dependence upon an allowable independent claim, and for additional limitations recited by the presently rejected claim. In addition, claim 10 is also allowable over the Jerding in view of Hoarty combination because Hoarty does not address the deficiencies of the Jerding patent as described above. Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of claim 10.

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of U.S. Patent No. 6,526,577 to Knudson et al. (hereinafter "Knudson"). This rejection is respectfully traversed.

The Jerding patent is discussed in detail hereinabove. Claim 30 is at least allowable for the reasons articulated hereinabove, due to its dependence upon an allowable independent claim, and for additional limitations recited by the presently rejected claim. In addition, claim 30 is also allowable over the Jerding

in view of Knudson combination because Knudson does not address the deficiencies of the Jerding patent as described above. Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of claim 30.

Claims 15, 31, 32 and 34-38 stand rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of U.S. Patent Publication No. 20070033615 to Hassell et al. (hereinafter "Hassell"). This rejection is respectfully traversed.

The Jerding patent is discussed in detail hereinabove. **Claim 15** is at least allowable for the reasons articulated hereinabove, due to its dependence upon an allowable independent claim, and for additional limitations recited by the presently rejected claim. In addition, claim 15 is also allowable over the Jerding in view of Hassell combination because Hassell does not address the deficiencies of the Jerding patent as described above. Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of claim 15.

The Jerding patent is discussed in detail hereinabove. **Claim 31** is at least allowable for the reasons articulated hereinabove, due to its dependence upon an allowable independent claim, and for additional limitations recited by the presently rejected claim. In addition, claim 31 is also allowable over the Jerding in view of Hassell combination because Hassell does not address the deficiencies of the Jerding patent as described above. Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of claim 31.

Claim 32 recites a system comprising:
> ... a virtual tuner that is executable to manage the plurality of applications in response to the one or more events, said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of the plurality of applications.

The Jerding patent describes a digital home communication terminal 16 that includes an application interface system 27 that is an application layer and serves as a management software component that an application must utilize to exist in a cable-television network 10 (*column 3, lines 19-21*). Jerding further describes the use of a service application manager 29 that provides a model in which the subscriber can access services available on the system. According to Jerding, an application 25 must utilize and implement the service application manager 29 for provisioning, activation, and suspension of services (*column 3, lines 52-54*).

The Office maintains that the service application manager 29 operates in the same manner as the "virtual tuner" recited in claim 32. The Office has relied upon Hassell to show content stored locally on a client. The Applicant believes that the rejection is improper for the following reasons.

The application interface system 27 includes HTML content 35 that implements a HTML engine 31 to present a user a plurality of selectable link labels that correspond to a plurality of services. According to Jerding, the plurality of services includes all applications, channels, and services supported by a television server device (*column 4, lines 61-65*). Each selectable link label has a corresponding underlying link definition (*column 5, lines 1-5*). When a selectable link label is selected by a user of the system 27, an API call is made to the system application manager 29 to enable execution of a desired application 25 (*column 5, lines 10-13*).

Column 5, lines 18-55, of the Jerding patent shows an exemplary link definition that is associated with a selectable link label. The link definition is <u>not</u> part of the system application manager 29 or the application interface 27. The link definition includes a service named "tuningSpace". <u>Jerding, at *column 6, lines 29-*</u>

31, discloses that if the "tuningSpace" is "application", then the ID is the name of an application that is used to display content associated with a particular selectable link. Therefore, it is the use of the service named "tuningSpace" that controls which application is launched when an associated selectable link label is chosen by a user.

As was shown in the foregoing, a client entity, such as the system application manager 29 or the application interface 27, clearly does not control the selection of an application. Instead, each selectable link label and its associated link definition must include the relevant application that is used to display content after the selection of a given selectable link label. Accordingly, Jerding does not disclose or suggest the "virtual tuner" recited by rejected claim 32, and Hassell does not remedy the deficiencies of Jerding.

As the combination of Jerding and Hassell does not disclose the above element, it cannot be said to render obvious the above claim. Therefore, Applicant respectfully requests that the §103(a) rejection be withdrawn.

Dependent claims 34-38 depend from claim 32. The rejection of these claims should be withdrawn by virtue of their dependency on an allowable independent claim. Moreover, these claims recite features that, when taken together with those of claim 32, define methods not disclosed by the combination of Jerding and Hassell. Therefore, Applicant respectfully requests that the §103(a) rejection of these claims be withdrawn.

Claim 33 stands rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of Hassell and further in view of Hoarty. This rejection is respectfully traversed.

Jerding and Hassell are discussed in detail hereinabove. Claim 33 is at least allowable for the reasons articulated hereinabove, due to its dependence upon an allowable independent claim, and for additional limitations recited by the presently rejected claim. In addition, claim 33 is also allowable over the Jerding, Hassell and Hoarty combination because Hoarty does not address the deficiencies of the Jerding and Hassell combination as described above. Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of claim 33.

Claims 1, 2, 4-6, 8 and 39 stand rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of U.S. Patent Publication No. 20050021609 to Houghton et al. (hereinafter "Houghton"). This rejection is respectfully traversed.

Claim 1 recites a method comprising:
> ... executing a virtual tuner on the client to manage execution of each said plurality of applications to provide respective said content in response to the events formed utilizing the EPG, said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications..

The Jerding patent describes a digital home communication terminal 16 that includes an application interface system 27 that is an application layer and serves as a management software component that an application must utilize to exist in a cable-television network 10 (*column 3, lines 19-21*). Jerding further describes the use of a service application manager 29 that provides a model in which the subscriber can access services available on the system. According to Jerding, an application 25 must utilize and implement the service application manager 29 for provisioning, activation, and suspension of services (*column 3, lines 52-54*).

The Office maintains that the service application manager 29 operates in the same manner as the "executing" act recited in claim 1. The Office has relied

upon Houghton to show television programming communicated over the Internet. The Applicant believes that the rejection is improper for the following reasons.

The application interface system 27 includes HTML content 35 that implements a HTML engine 31 to present a user a plurality of selectable link labels that correspond to a plurality of services. According to Jerding, the plurality of services includes all applications, channels, and services supported by a television server device (*column 4, lines 61-65*). Each selectable link label has a corresponding underlying link definition (*column 5, lines 1-5*). When a selectable link label is selected by a user of the system 27, an API call is made to the system application manager 29 to enable execution of a desired application 25 (*column 5, lines 10-13*).

Column 5, lines 18-55, of the Jerding patent shows an exemplary link definition that is associated with a selectable link label. The link definition is not part of the system application manager 29 or the application interface 27. The link definition includes a service named "tuningSpace". Jerding, at *column 6, lines 29-31*, discloses that if the "tuningSpace" is "application", then the ID is the name of an application that is used to display content associated with a particular selectable link. Therefore, it is the use of the service named "tuningSpace" that controls which application is launched when an associated selectable link label is chosen by a user.

As was shown in the foregoing, a client entity, such as the system application manager 29 or the application interface 27, clearly does not control the selection of an application. Instead, each selectable link label and its associated link definition must include the relevant application that is used to display content after the selection of a given selectable link label. Accordingly, Jerding does not

disclose or suggest the "executing" act recited by rejected claim 1, and Houghton does not remedy the deficiencies of Jerding.

As the combination of Jerding and Houghton does not disclose the above element, it cannot be said to render obvious the above claim. Therefore, Applicant respectfully requests that the §103(a) rejection be withdrawn.

Dependent claims 2, 4-6 and 8 depend from claim 1. The rejection of these claims should be withdrawn by virtue of their dependency on an allowable independent claim. Moreover, these claims recite features that, when taken together with those of claim 1, define methods not disclosed by the combination of Jerding and Houghton. Therefore, Applicant respectfully requests that the §103(a) rejection of these claims be withdrawn.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of Houghton and further in view of Hoarty. This rejection is respectfully traversed.

Jerding and Houghton are discussed in detail hereinabove. Claim 3 is at least allowable for the reasons articulated hereinabove, due to its dependence upon an allowable independent claim, and for additional limitations recited by the presently rejected claim. In addition, claim 3 is also allowable over the Jerding, Houghton and Hoarty combination because Hoarty does not address the deficiencies of the Jerding and Houghton combination as described above. Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of claim 3.

Claims 7 and 40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Jerding in view of Houghton, and further in view of Hassell. This rejection is respectfully traversed.

Jerding and Houghton are discussed in detail hereinabove. Claim 7 is at least allowable for the reasons articulated hereinabove, due to its dependence upon an allowable independent claim, and for additional limitations recited by the presently rejected claim. In addition, claim 7 is also allowable over the Jerding, Houghton and Hassell combination because Hassell does not address the deficiencies of the Jerding and Houghton combination as described above. Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of claim 7.

Conclusion

In accordance with the foregoing remarks, Applicant believes that the pending claims are allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number provided below.

Respectfully Submitted,

Dated: June 13, 2007

By: / Lewis C Lee Reg No 34656 /
Lewis C. Lee
Reg. No. 34,656
(509) 324-9256